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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 ANTHONY WALLER, ) CASE NO. C05-1904-MJP-MAT  
09 )  
Petitioner, )  
10 )  
v. ) ORDER DIRECTING RESPONDENT  
11 ) TO SUPPLEMENT THE RECORD  
KENNETH QUINN, )  
12 )  
Respondent. )  
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14 This is a federal habeas action brought pursuant to 28 U.S.C. § 2254. On June 22, 2006,  
15 respondent filed his response to petitioner's federal habeas petition. In his response, respondent  
16 indicates that despite repeated requests to the state court of appeals, he has not yet received from  
17 that the court the verbatim reports of proceedings. Respondent notes that because of his inability  
18 to obtain the trial transcripts, he has been disadvantaged in his ability to respond to petitioner's  
19 ineffective assistance of counsel claim. Respondent nonetheless provides a response to the claim  
20 which he states is based on citations to the record contained in the state's brief on appeal. While  
21 the Court appreciates respondent's effort to respond to petitioner's ineffective assistance of  
22 counsel claim in the absence of a complete record, this Court concludes that the verbatim reports

01 of proceedings are required before it proceeds to disposition of petitioner's claims.

02 Accordingly, this Court does hereby ORDER as follows:

03 (1) Respondent is directed to supplement the record with the verbatim reports of  
04 proceedings not later than *September 1, 2006*. If respondent is unable to obtain the transcripts  
05 by that date, respondent shall instead submit to the Court a status report detailing what efforts  
06 have been made in this regard, including dates of any inquiries to the state courts and the names  
07 of the state court employees to whom the inquiries have been directed.

08 (2) Petitioner's federal habeas petition (Dkt. No. 4) is RE-NOTED on the Court's  
09 calendar for consideration on *September 8, 2006*.

10 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for  
11 respondent, and to the Honorable Marsha J. Pechman.

12 DATED this 1st day of August, 2006.

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15 Mary Alice Theiler  
16 United States Magistrate Judge  
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